COURT NO.2

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No.2466 (S/S) of 2001

(Old Case No. 18016 of 1999)

Alpana Tyagi, daughter of Sri Sarju Prasad Tyagi, resident of 826 Daya Nand Nagri, Jwalapur, District Haridwar

.....Petitioner

Versus

1. U.P. Basic Education Board, Allahabad through its secretary.
2. District Basic Education Officer, Hardwar.
3. Shiksha Adhikshak, Roorkee, District Hardwar.
4. Selection Committee through its Chairman/ Additional District Magistrate (F & R) District Hardwar.

..... Respondents

Sri Sharad Sharma, learned counsel for the petitioner,
Learned Standing Counsel for the State.

Dated: 12.12.2007

Hon'ble P.C. Verma, J.

This writ petition has been filed by the petitioner for the following reliefs:-

> "1. issue a writ, order or direction in the nature of mandamus commanding the respondents to consider the case of the petitioner and give her appointment in accordance with law.
>
> 2. issue any other writ, order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case.
>
> 3. award cost of the petition."

2. The reliefs claimed based on the grounds which are reproduced as under:-

> "1. Because the Respondent No.4 is the Chairman of the Selection Committee but

nothing has been done in the case of the petitioner.

2. Because the petitioner moved an application before the Respondents No.2 to take a decision with regard to the appointment of the petitioner in accordance with the Government order dated 23.2.1995 but nothing has been done and the case of the petitioner is still pending before the Respondent No.2.

3. Because it is legal and bounded duty of the Respondent No.2 to act in accordance with the Government Order dated 23.3.1995 wherein it is provided that the candidates who have obtained C.P.Ed, training should be given appointment in the Basic schools run by the U.P. Basic Education Board.

4. Because as per new Government order dated 30.12.1995 revives the rights of the petitioner and she should be appointed as Assistant Teacher in a primary school as untrained teacher.

5. Because it is legal and bounded duty of the respondents to consider the candidature of the petitioner to appoint as Assistant Teacher in primary school as untrained teacher as she has minimum qualification as such there is no justification on the part of the respondents to refuse the candidature of the petitioner."

3. From a perusal of the grounds, it is clear that the post has not been advertised, therefore, the process of selection has not been started in accordance with law. Hence, the prayers of the petitioner based on the grounds are not tenable under law. Therefore, the writ petition is devoid of merit and is dismissed accordingly. No order as to costs.

(P.C. Verma, J.)

12.12.2007
RBS